

IN RE: PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
S/S Joppa Road, 515' W of the c/l	
Old Harford Road	* ZONING COMMISSIONER
(2209 Joppa Road)	
9 <sup>th</sup> Election District	* OF BALTIMORE COUNTY
6 <sup>th</sup> Council District	
	* Case No. 02-286-X
Adams/Joppa No. 1, LLD	
Petitioners	*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition of Special Exception filed by the owners of the subject property, Adams/Joppa No. 1, LLD, a Maryland Limited Liability Corporation, through Ruth A. Adams and First Union National Bank, Co-Trustees, and the Contract Purchaser/Lessee, Acres Truck Accessories, Inc., by Greg Seward, President. The Petitioners request a special exception to approve the use of the subject property as a service garage; more specifically, to permit truck accessory assembly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were George G. (Greg) Seward, Principal of Acres Truck Accessories, Inc., Contract Lessee of the subject property, Bruce E. Doak, the Registered Property Line Surveyor who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Appearing on behalf of the Greater Parkville Community Council was Ruth E. Baisden. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped parcel located on the south side of Joppa Road, not far from Audrey Avenue and Old Harford Road in Parkville. The property contains a gross area of .50 acres, more or less, zoned B.L.-A.S. and is improved with three structures. The first is a one and one-half story frame building which is used as a nail salon and bears the address 2209 Joppa Road. That building and use is not part of the subject request. The second structure is

ORDER RECEIVED FOR FILING

Date 3/19/12

By [Signature]

a one and one-half story block building, containing 1463 sq.ft., which bears the address 2207 Joppa Road. The third building is a two-story garage located to the rear of 2207 Joppa Road which serves as an accessory structure to that building. Mr. Seward testified and described his business known as Acres Truck Accessories, Inc. Presently, his business operates in Timonium; however, he proposes relocating the business to the building known as 2207 Joppa Road. Mr. Seward is in the business of installing accessory equipment into pick-up and light trucks. Specifically, he installs bed-liners, toolboxes, bug shields, hitches, mud flaps, caps, fog lights, and other similar equipment. There is no engine or mechanical work performed, and there is no painting or body and fender work done. Mr. Seward indicated that he has 4 employees and typically serves 7 to 10 customers per day, which includes a mix of walk-in and appointment business. The business operates from 9:00 AM to 6:00 PM Monday through Friday, and from 9:00 AM to 4:00 PM on Saturday. The business is closed on Sunday.

Special exception relief is requested to approve the relocation of the subject business to the subject property. It is anticipated that installations will be primarily accomplished in the building known as 2207 Joppa Road. There will also be an office, showroom, and storage area within that building and areas of the accessory garage will also be used for storage. Moreover, during the hearing, Mr. Doak inserted a red-lined amendment to the plan indicating the limits of outdoor storage on the premises.

The zoning history of this property is of note. Special Exception relief was granted on July 2, 1991 in prior Case No. 91-425-XA for an automobile service garage and lock and key business on the subject property. A copy of that Order was offered at the hearing and has been included in the case file. After operating at the site for several years; however, the lock and key service operation closed and the building known as 2207 Joppa Road is presently vacant.

Ms. Baisden appeared at the hearing on behalf of the Greater Parkville Community Council. Ms. Baisden does not object to the request, per se; however, she did express concern about the present state of the property. She also endorsed certain recommendations that were made within the Zoning Advisory Committee (ZAC) comment offered by the Office of Planning, dated

February 6, 2002. I have reviewed that comment and will impose certain of the recommended restrictions. It is to be noted that Mr. Seward's business will occupy only the one and one-half story building on the property and that some of Planning's comments relate to the nail salon. Although the Petition was jointly filed by the owner of the property and the lessee, Counsel indicated that this is a corporate/absent landlord so that the implementation of certain conditions is practically difficult. This factor influences the restrictions that will be imposed. First, the outdoor storage of vehicles on the site will be limited solely to the area red-lined on the amended plan by Mr. Doak. Secondly, all truck accessory installation activities should be confined to the service garage building only, or the outdoor area of storage. Third, no damaged, disabled, or junk vehicles shall be maintained or stored on the premises. Fourth, there will be no mechanical/engine work permitted or body and fender work performed on the premises. Fifth, the site will be restricted from the storage of any trailers. Sixth, all new signage shall be in compliance with the B.C.Z.R.; nonconforming signs shall be limited in accordance with Section 450 of the B.C.Z.R. Finally, although I will not require a new landscape plan and/or lighting plan, the property shall be maintained and kept free of all trash and debris.

Based upon the testimony and evidence presented, I am easily persuaded that the special exception should be granted. The nature of the business is such that it will not be detrimental to the health safety or general welfare of the surrounding locale. Sufficient proof was offered to meet the standards set forth in Section 502.1 of the B.C.Z.R.

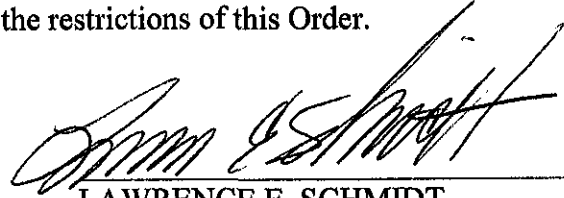
Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19<sup>th</sup> day of March, 2002 that the Petition for Special Exception to approve the use of the subject property as an automobile service garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal

period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The service garage use on the subject property shall be limited to the installation of truck accessories, only. There will be no mechanical/engine, or body and fender work performed on the premises, and no damaged, disabled, or junk vehicles shall be maintained or stored on the premises.
- 3) All truck accessory installation activities shall be confined to the service garage building, or the outdoor area of storage. The storage of vehicles awaiting installation of accessories will be limited to the area red-lined on the amended plan by Mr. Doak.
- 4) All new signage shall be in compliance with the B.C.Z.R. or nonconforming, pursuant to Section 450 thereof.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

COPIES FOR FILING  
DATE 3/19/02  
BY [signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

March 19, 2002

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue, Suite 800  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
S/S Joppa Road, 515' W of the c/l Old Harford Road  
(2209 Joppa Road)  
9<sup>th</sup> Election District – 6<sup>th</sup> Council District  
Adams/Joppa No. 1, LLD, Owners & Acres Truck Accessories, Inc., Lessees - Petitioners  
Case No. 02-286-X

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Ms. Ruth A. Adams, c/o Mr. Paul E. Bennett, V.P., First Union National Bank  
1751 Pinnacle Drive, McLean, Va. 22102  
Mr. Greg Seward, President, Acres Truck Accessories, Inc.  
1307 Jeffers Court, Towson, Md. 21204  
Mr. Bruce E. Doak, Gerhold, Cross & Etzel  
320 E. Towsontown Blvd., Towson, Md. 21286  
Ms. Ruth E. Baisden, 7706 Oak Avenue, Baltimore, Md. 21234  
Office of Planning; People's Counsel; Case File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



IN RE: PETITION FOR SPECIAL EXCEPTION  
S/S Joppa Road, 515' W of the c/l  
Old Harford Road  
(2209 Joppa Road)  
9<sup>th</sup> Election District  
6<sup>th</sup> Council District

Adams/Joppa No. 1, LLD  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 02-286-X

\* \* \* \* \*

AMENDED ORDER

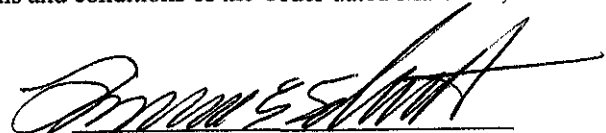
WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Adams/Joppa No. 1, LLD, and the Contract Lessee, Acres Truck Accessories, Inc. The Petitioners sought approval of the use of the subject property as a service garage; more specifically, to permit truck accessory assembly, pursuant to the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

By Order dated March 19, 2002, the relief was granted, subject to certain terms and conditions, which were identified within the body of the Order and enumerated thereafter as restrictions. Subsequent to the issuance of said Order, an inquiry by the Office of People's Counsel revealed that one of the conditions identified within the body of the Order was inadvertently not imposed as a restriction. Thus, the Order shall be amended to include as a restriction the language set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of March, 2002 that the Order issued March 19, 2002 be and the same shall hereby be AMENDED to including the following language as Restriction No. 6:

"The site shall be restricted from the storage of any trailers."

IT IS FURTHER ORDERED that all other terms and conditions of the Order dated March 19, 2002 shall remain in full force and effect.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Francis X. Borgerding, Jr., Esquire, 409 Washington Ave., Suite 800, Towson, Md. 21204  
Ms. Ruth A. Adams, c/o Mr. Paul E. Bennett, V.P., First Union National Bank  
1751 Pinnacle Drive, McLean, Va. 22102  
Mr. Greg Seward, Pres., Acres Truck Accessories, Inc., 1307 Jeffers Ct., Towson, Md. 21204  
Mr. Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, Md. 21286  
Ms. Ruth E. Baisden, 7706 Oak Avenue, Baltimore, Md. 21234  
Office of Planning; People's Counsel; Case File

ORDER RECEIVED FOR FILING  
Date 3/21/02  
By [Signature]



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

2209 Joppa Road  
for the property located at Baltimore, MD 21227

which is presently zoned B.L.A.S.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for an auto service garage, including truck accessory assembly

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

By Alex Seward President

Name - Type or Print

Acres Truck Accessories, Inc.

Signature

Address

Telephone No.

City

State

Zip Code

## Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Company

409 Washington Ave., #600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

## Legal Owner(s):

Adams/Joppa No. 1, LLD, a Maryland Limited  
Ruth A. Adams, Co-Trustee Liability Corp.

Name - Type or Print

Signature

First Union National Bank, Co-Trustee

Name - Type or Print

Signature

1751 Pinnacle Dr, VA-1933 703-760-5459

Address

Telephone No.

McLean

VA

22102

City

State

Zip Code

## Representative to be Contacted:

Francis X. Borgerding, Jr.

Name

409 Washington Ave., #600

410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By RJD

Date 1/8/02

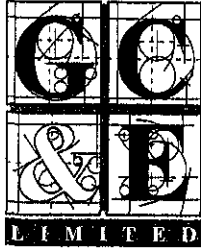
Case No. 02-286-X

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 3/19/02

By [Signature]



## Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286  
Phone: (410) 823-4470 • Fax: (410) 823-4473 • [www.gcelimited.com](http://www.gcelimited.com)

January 8, 2002

### ZONING DESCRIPTION

**Adams/Joppa No.1 and No.2 LLC property  
2207-2209 Joppa Road  
9th Election District  
6th Councilmanic District  
Baltimore County, Maryland**

Beginning for the same on the South side of E. Joppa Road (70' R/W) at a point distant 515 feet more or less Northeasterly from the centerline of Old Harford Road thence running and binding on said South side of Joppa Road, 1) North 89 degrees 20 minutes 23 seconds West 140.47 feet, thence leaving said Joppa Road and running 2) South 23 degrees 24 minutes West 99.48 feet, 3) South 58 degrees 40 minutes East 129.50 feet, 4) North 23 degrees 24 minutes East 174.62 feet to the place of beginning.

Containing 0.50 Acres of land, more or less.

**Note:** This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance



*Brian Dietz*

*Item # 286*



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 08870

DATE 1/8/02

ACCOUNT 000 006 6150

AMOUNT \$ 300.00

RECEIVED  
FROM:

Acros Auto

FOR:

Special Excavation - case #02-286-X

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PRINTED

AGENCY

TIME

1/08/2002

1/08/2002

11:11:06

REQ #306

CASHIER DML DMS DEBATER

2

CHIEF # 171234

REQ 5 528 ZONING VERIFICATION

CR RD. 044058

Receipt Tot

300.00

300.00 CR

.00 DN

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #02-286-X  
2209 Joppa Road  
S/S of E. Joppa Road, 515' W  
centerline Old Harford Road  
9th Election District  
6th Councilmanic District

Legal Owner(s): Ruth A.  
Adams & Paul E. Bennett,  
Contract Purchaser: Greg Seward  
**Special Exception:** for an  
auto service garage, in-  
cluding truck accessory as-  
sembly.

Hearing: Wednesday,  
March 6, 2002 at 2:00 p.m.  
in Room 407, County  
Courts Building, 401 Bos-  
ley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are  
Handicapped Accessible; for  
special accommodations  
Please Contact the Zoning  
Commissioner's Office at  
(410) 887-4386.

(2) For information con-  
cerning the file and/or  
hearing Contact the Zoning  
Review Office at (410) 887-  
3391.

JT/2/723 Feb. 19 C621624

# CERTIFICATE OF PUBLICATION

2/21, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 2/19, 2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

 RE: Case No. 02-286

 Petitioner/Developer: SEWARD.
F.X. BORGERDING

 Date of Hearing/Closing: 3/6/02

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens/  
**MR. GEORGE ZAHNER**

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at: #2609 - JOPPA RD.

The sign(s) were posted on \_\_\_\_\_

2/10/02

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 2/12/02  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-857

(Telephone Number)

## ZONING NOTICE

Case # 02-286-X

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD.

101 BOSTLEY AVENUE  
PLACE ROOM 407 COUNTY COURTS BUILDING  
TOWSON, MD 21204  
TIME & DATE: WEDNESDAY, MARCH 6, 2002  
8:30 PM  
SPECIAL EXCEPTION FOR AN AUTO SERVICE  
GARAGE, INCLUDING TRUCK AND BUS SERVICE  
#2609 JOPPA RD (SEWARD)

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

---

---

#### For Newspaper Advertising:

Item Number or Case Number: 02-286-X

Petitioner: Ruth Adams

Address or Location: 2209 E. Joppa Rd

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: Greg Seward

Address: 2208 Greenspring Dr.  
Timonium Md. 21093

Telephone Number: (410) 308 1660

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, February 19, 2002 Issue – Jeffersonian

Please forward billing to:  
Greg Seward  
2208 Greenspring Drive  
Timonium MD 21093

410 308-1660

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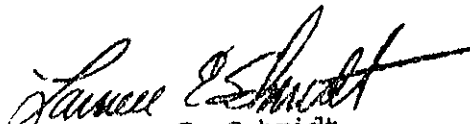
## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-286-X  
2209 Joppa Road  
S/S of E Joppa Road, 515' W centerline Old Harford Road  
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Ruth A Adams & Paul E Bennett  
Contract Purchaser: Greg Seward

Special Exception for an auto service garage, including truck accessory assembly.

HEARING: Wednesday, March 6, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

  
Lawrence E. Schmidt

LAWRENCE E. SCHMIDT *CDZ*  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

January 30, 2002

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-286-X  
2209 Joppa Road  
S/S of E Joppa Road, 515' W centerline Old Harford Road  
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Ruth A Adams & Paul E Bennett  
Contract Purchaser: Greg Seward

Special Exception for an auto service garage, including truck accessory assembly.

HEARING: Wednesday, March 6, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.  
Director

C: Francis X Borgerding Jr, 409 Washington Avenue, #600, Towson 21204  
Ruth A Adams & Paul E Bennett, First Union National Bank,  
1751 Pinnacle Drive, McLean VA 22102  
Greg Seward, Acres Truck Accessories Inc, 2208 Greenspring Drive,  
Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 19, 2002.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

March 1, 2002

Francis X Borgerding Jr.  
409 Washington Avenue  
#600  
Towson MD 21204

Dear Mr. Borgerding:

RE: Case Number: 02-286-X, 2209 Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 8, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards Jr.*

W. Carl Richards, Jr. G02  
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Ruth A Adams & Paul E Bennett, First Union National Bank,  
1751 Pinnacle Drive, McLean VA 22102  
Greg Seward, Acres Truck Accessories Inc, 2208 Greenspring Drive,  
Timonium 21093  
People's Counsel

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



HP  
3/16

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits & Development  
Management

**DATE:** February 28, 2002

**FROM:** Robert W. Bowling, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
for February 4, 2002  
Item Nos. 263, 264, 265, 267, 268, 269,  
270, 271, 272, 273, 274, 275, 276, 278,  
279, 280, 281, 282, 283, 284, 285, 286,  
287, 288, 290 and 292

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:cab

cc: File

ZAC-2-4-2002-NO COMMENT-02282002.doc





Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

January 31, 2002

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 28, 2002

Item No.: 265, 266, 272, 277, 281, (286), 288, 291, & 292

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



LS  
3/6

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: Todd Taylor

DATE: March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, 275 - 277, 279 - 281, 283, 284, (286), 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288.

YD  
3/6

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** February 6, 2002

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 2207 – 2209 E. Joppa Road

**INFORMATION:**

**Item Number:** 02-286

**Petitioner:** Ruth A. Adams

**Zoning:** BL-AS

**Requested Action:** Special Exception

The lessee, Acres Truck Accessories, has requested a Special Exception for a service garage at the subject location. The proposal involves converting existing building "A" to an office and showroom and existing building "B" to a service garage. The existing nail salon located at 2209 East Joppa Road will remain. It should also be noted that the former lock and key service that previously occupied the site was granted a special exception for a service garage in Case # 91-425XA.

The subject site adjoins RO zoned property, and is within the East Joppa Road Corridor study area.

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request providing the following conditions are met:

1. The subject site should be cleaned-up to include removal of all trash and scrub vegetation.
2. All truck accessory installation activities should be confined within the service garage only.
3. No damage, disabled, or junked vehicles should be stored or maintained on site.
4. The site should be restricted from the storage of any trailers.
5. Parking calculations should be corrected to indicate that building "B" will be used as a service garage.
6. A landscape plan providing screening and lighting details should be submitted to Avery Harden, County Landscape Architect for review and approval prior to the issuance of any building permits. Said plan should show the replacement of the existing chain linked fence along the eastside of the property with a shadow box fence. The shadow box fence should make connection with the existing

wooden fence on the Taco Bell site. Evergreen screening should also be provided along the south side of the subject property.

Prepared by: Martha A. Quinlan

Section Chief: Jeffrey W. Long

AFK:MAC:



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 1.29.02

Mr. George Zahner  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 286

RDD

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

*for* Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION  
2209 Joppa Road, S/S E Joppa Rd,  
515' W of c/l Old Harford Rd  
9th Election District, 6th Councilmanic

Legal Owner: Adams/Joppa No. 1, LLD  
Contract Purchaser: Acres Truck Accessories, Inc.  
Petitioner(s)


\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 02-286-X

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esq., DiNenna & Breschi, 409 Washington Avenue, Suite 600, Towson, MD 21204, attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BRUCE E. DOAK - GERHOLD CROSS & ETZEL 320 E. TOWNSONTOWN BLVD TOWSON, MD 21286

George A. Seward

Frank Berger

1307 JEFFERS CT TOWSON MD 21204



**Case Number** \_\_\_\_\_

**PLEASE PRINT LEGIBLY**

## CITIZEN'S SIGN-IN SHEET

[illegible]



IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE - S/S \* ZONING COMMISSIONER  
Joppa Road, 540' W. of the c/l \*  
of Old Harford Road \* OF BALTIMORE COUNTY  
(2207 & 2209 E. Joppa Road) \*  
9th Election District \* Case No. 91-425-XA  
6th Councilmanic District \*  
Ruth Adams \*  
Petitioner \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit an automobile service garage and lock and key service shop on the subject property, and variances to permit a side street setback of 5 feet in lieu of the minimum required 10 feet, and a stone parking surface in lieu of the required durable and dustless surface, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Edward C. Covahey, Jr., Esquire, appeared and testified. Also appearing on behalf of the Petitions were Michael B. Dallas, Registered Land Surveyor and Dwight D. Jackson, President, Jackson Industries, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2207 and 2209 East Joppa Road, consists of .5 acres zoned B.L.-C.S.2 and is improved with a lock and key shop, a retail store, and accessory garage as depicted on Petitioner's Exhibit 1. Petitioner has a lease agreement with Dwight D. Jackson for the operation of the subject lock and key shop. Testimony indicated Mr. Jackson is desirous of utilizing the existing garage as an automobile service garage in conjunction with the subject lock and key shop. Mr. Jackson testified that his locksmith business has been at the subject location for the last 10 years and that his lease agreement with the Petitioner includes several extended options. He indicated that the

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proposed service garage is necessary to permit vehicle repairs during inclement weather. Mr. Jackson testified that the garage will contain sufficient space to accommodate two automobiles at one time. He further testified that his shop is open six days a week with the exception of the summer months at which time the shop is closed on Saturdays.

Michael Dallas testified that the lock and key shop has been in existence at the subject location in excess of 40 years, prior to the widening of Joppa Road. Mr. Dallas indicated that the requested variances are needed for the existing building as a result of said widening. Testimony indicated that if the requested variances are denied, Petitioner would suffer undue hardship and practical difficulty in that a large portion of the building would necessarily need to be removed. Mr. Dallas also testified to the requirements of Section 502.1 of the Baltimore County Zoning Regulations and indicated that in his opinion, the requested relief complies with said Section. Further testimony indicated that parking on the property is more than adequate to accommodate customers of the retail store and the lock and key business.

It is clear that the B.C.Z.R. permits the use proposed in a B.U.-C.S. 2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

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Date

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The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date

By



It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons given above, the special exception and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of July, 1991 that the Petition for Special Exception to permit an automobile service garage and lock and key service shop on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a side street setback of 5 feet in lieu of the minimum required 10 feet, and a stone parking surface in lieu of the required durable and dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

By

JRH:bjs

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

**MICHAEL B. DALLAS**

Registered Surveyor

SUITE 209

24 W. PENNSYLVANIA AVENUE

TOWSON, MD. 21204

494-0029

91-425-XA

**Zoning Description**  
2207-09 E. Joppa Road

BEGINNING for the same on the southernmost side of E. Joppa Road (70 feet wide) at a point distant 540 feet more or less southwesterly from the centerline of Old Harford Road thence binding on said side of said road *North* South 89 degrees 20 minutes 23 seconds west 140.47 feet thence leaving said road and running South 23 degrees 24 minutes 00 seconds west 99.48 feet to the zoning division line between BL and DR 8.5 zones thence binding on said zoning line South 58 degrees 40 minutes 00 seconds east 129.50 feet thence leaving said zoning line and running North 23 degrees 24 minutes east 174.62 feet to the place of beginning.

CONTAINING 0.50 acres of land more or less

May 1990

#406





03/01/2002







